

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PATRIOT ANGELS CONSULTING CORP,

Plaintiff,

v.

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,

Defendant.

Case No. 3:24-cv-00087

Judge Eli J. Richardson
Magistrate Judge Alistair E. Newbern

ORDER

The parties filed a consent motion for a court order authorizing the U.S. Department of Veterans Affairs to release certain documents requested by Defendant Veterans of Foreign Wars of the United State (VFW) pursuant to *U.S. ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951) and 38 C.F.R. 14.805. (Doc. No. 63.) A court order is required because the documents would otherwise be withheld pursuant to the Privacy Act, 5 U.S.C. 552a.

In a telephone conference with the Magistrate Judge held on January 31, 2025, counsel for VFW represented that they had communicated with Kristina Wiercinski, an attorney with the Information Law Group of the Office of General Counsel of the U.S. Department of Veterans Affairs regarding the Department's position on the release of the subject information and that Ms. Wiercinski had provided an email documenting the Department's non-opposition to releasing the information pursuant to an appropriate court order. At the Court's direction, VFW has filed that email communication with a supplemental declaration in support of the consent motion. (Doc. No.

67.) Accordingly, recognizing the agreement of the parties and the Department's non-opposition to the requested relief, the Court ORDERS as follows:

The parties' consent motion (Doc. No. 63) is GRANTED.

The U.S. Department of Veterans Affairs shall provide all records responsive to VFW's *Touhy* request, including information that is protected by the Privacy Act of 1974 per SORN 01VA022, except to the extent that such information is protected by attorney client privilege, the attorney work product doctrine, or the deliberative process privilege. The Department shall mark all documents protected by the Privacy Act of 1974 pursuant to the Stipulated Protective Order (Doc. No. 55) and the documents shall be produced pursuant to the Stipulated Protective Order's terms. The Department shall produce the subject documents to VFW and to Plaintiff Patriot Angels Consulting Corp.

It is so ORDERED.


ALISTAIR E. NEWBERN
United States Magistrate Judge